

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Nos. 10-5234; 10-5235

FILED
Mar 19, 2012
LEONARD GREEN, Clerk

DISCOUNT TOBACCO CITY & LOTTERY, INC.; LORILLARD TOBACCO
COMPANY; NATIONAL TOBACCO COMPANY, L.P.; R. J. REYNOLDS TOBACCO
COMPANY; COMMONWEALTH BRANDS, INC.; AMERICAN SNUFF COMPANY,
LLC, fka Conwood Company, LLC,

Plaintiffs - Appellants/Cross-Appellees,

v.

UNITED STATES OF AMERICA; UNITED STATES FOOD & DRUG
ADMINISTRATION; MARGARET HAMBURG, Commissioner of the United States
Food and Drug Administration; KATHLEEN SEBELIUS, Secretary of the United States
Department of Health and Human Services,

Defendants - Appellees/Cross-Appellants.

Before: CLAY and STRANCH, Circuit Judges; BARRETT, District Judge.

JUDGMENT

On Appeal from the United States District Court
for the Western District of Kentucky at Bowling Green.

THIS CAUSE was heard on the record from the district court and was argued by
counsel.

IN CONSIDERATION WHEREOF, it is ORDERED that the judgment of the district
court is REVERSED IN PART and AFFIRMED IN PART.

ENTERED BY ORDER OF THE COURT



Leonard Green, Clerk